

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEANETTE RODRIGUEZ, on behalf of herself and
all others similarly situated,

Plaintiffs, Civil Action No.

vs.

REAL TIME RESOLUTIONS, INC., and
JOHN AND JANE DOES 1-10,

Defendants.

NOTICE OF REMOVAL

Defendant Real Time Resolutions, Inc., (“RTR”) by and through counsel and pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 removes the above-captioned action to the United States District Court for the Southern District of New York, and states the following in support:

1. On or about October 8, 2020, Plaintiff Jeanette Rodriguez filed a Summons and Complaint (the “Complaint”), on behalf of herself and all others similarly situated, in the Supreme Court for New York County, Index Number 158383/2020 (the “State Court Action”). The Complaint was the initial pleading in the State Court Action and constitutes all the pleadings served in the State Court Action to date. A copy of the Complaint attached hereto as **Exhibit A**.

2. In this action, Plaintiff claims that RTR, violated the Federal Fair Debt Collection Practices Act (“FDCPA”), Section 1692, *et. seq.* of Title 15 of the United States Code (“U.S.C”) §§ 1692-1692p in connection with RTR’s attempt to collect a debt from Plaintiff. Plaintiff seeks certification that this action may be maintained as a class action pursuant to NY CLS CPLR § 901, and claims that RTR is liable for statutory, punitive, and other damages. *See* Ex. A, Compl. ¶ 59.

3. The district courts of the United States have original jurisdiction of this civil action pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States, namely the FDCPA, 15 U.S.C. §§ 1692-1692p, and its implementing regulations. This Court also may exercise supplemental jurisdiction over any state law claims not governed by federal law pursuant to 28 U.S.C. § 1367.

4. The Southern District of New York embraces the place where the State Court Action is pending, *i.e.*, New York County.

5. This Notice of Removal is signed subject to Federal Rule of Civil Procedure 11, and is timely in accordance with 28 U.S.C. §1446.

6. On October 22, 2020, RTR was served with the Complaint.

7. The Complaint for the State Court Action expressly states that it is being brought under the Fair Debt Collection Practices Act (“FDCPA”) *See* Ex. A, Compl. ¶ 1. As such, this is a claim over which the District Court has jurisdiction based on a federal question pursuant to 28 U.S.C. § 1331. Thus, the State Court Action is removable to the Southern District of New York under 28 U.S.C. §1441 and RTR wishes to exercise its right to remove the State Court Action.

8. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days of RTR’s receipt, through service or otherwise, of a copy of the Summons with Notice and, therefore, is timely.

9. RTR will give written notice of the filing of this Notice of Removal to all adverse parties, as required by 28 U.S.C. 1446(d), in a form substantially the same as annexed hereto as **Exhibit B**.

10. RTR will also file a true and accurate copy of this Notice of Removal with the Clerk of the Civil Court of the City of New York County of New York, as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendant, Real Time Resolutions, Inc., respectfully removes the State Court Action, now pending in the Civil Court of the City of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: November 20, 2020

Respectfully submitted,

HOLLAND & KNIGHT LLP

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November, 2020, I served a true and correct copy of the foregoing along with all attachments on Plaintiff's counsel of record and the New York State Supreme Court for New York County via electronic filing.

/s/ Katherine A. Skeele
Katherine A. Skeele